UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma

United States of America	
V.)
LAURENCE ROBERT RHEA A/K/A Bob Rhea) Case No: <u>CR-07-00065-001-RAW</u>
D (CO:: 11.1	USM No: <u>04653-063</u>
Date of Original Judgment: April 2, 2008 Date of Previous Amended Judgment:) Pro se
(Use Date of Last Amended Judgment if Any)	Defendant's Attorney
ORDER REGARDING MOTION FOR SENTENCE REDUCTION	
PURSUANT TO 1	.8 U.S.C. § 3582(c)(2)
Upon motion of ■ the defendant □ the Director of the Bureau of Prisons □ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,	
IT IS ORDERED that the motion is:	
■ DENIED. □ GRANTED and the defendant'	s previously imposed sentence of imprisonment (as reflected in onths is reduced to
(Complete Parts I and II of Page 2 when motion is granted)	
A review of Mr. Rhea's guideline computations, pursuant to the United States Sentencing Commission's retroactive Guideline Amendment 750, reflects a reduction in the total offense level applicable to the quantity of cocaine base involved in this case (87.36 grams), to an offense level of 23. Based on an offense level of 23 and a criminal history category of IV, the amended guideline imprisonment range is 70 to 87 months; however, the Tenth Circuit has held that the provisions of the Fair Sentencing Act are not retroactive, which results in a required minimum term of imprisonment in this case of 120 months. <i>See United States v. Lewis</i> , 625 F.3d 1224, 1228 (10 th Cir. 2010). Based on this ruling by the Tenth Circuit, Mr. Rhea is not eligible for further reduction in the term of imprisonment imposed on April 2, 2008.	
Except as otherwise provided, all provisions of the judgment dated <u>April 2, 2008</u> shall remain in effect. IT IS SO ORDERED .	
Order Date: April 25, 2012	204 A. White
Ronald A. White	
Effective Date: Unit	ed States District Judge
(if different from order date)	ern District of Oklahoma